

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

LLOYD SCHINDLER, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )  
                        )  
CEQUENT CONSUMER PRODUCTS, INC., )  
et al.,               )  
                        )  
Defendants.          )

## **MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion for leave to file a second amended complaint to add Transworld Products, Inc. as a party defendant. The motion is filed with the consent of opposing counsel. The Court will grant plaintiff's motion and direct the Clerk of the Court to file the Second Amended Complaint.

Although an amended complaint supercedes an original complaint and renders the original complaint without legal effect, In re: Atlas Van Lines, Inc., 209 F.3d 1064 (8th Cir. 2000), the parties are notified that for purposes of efficiency the Court will treat defendant Kwong Wah Rubber Factory Limited's motion for dismiss pursuant to Rule 12(b)(2) for lack of personal jurisdiction as if it had been filed in response to the Second Amended Complaint, and will not require that it be refiled.

The proposed order submitted by plaintiff's counsel asks that the Clerk be ordered to prepare and issue summons on the newly-added defendant. It is the responsibility of counsel to prepare the summons and submit it to the Clerk for signature and application of the official seal. The summons will then be returned to plaintiff's counsel for service. Summons forms as well as a form notice of

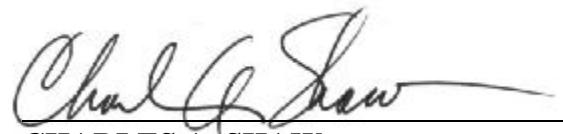
intent to use private process server may be obtained at the Court's website, [www.moed.uscourts.gov](http://www.moed.uscourts.gov), under the heading "Operations and Filing."

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for leave to file a Second Amended Complaint is **GRANTED**. [Doc. 43]

**IT IS FURTHER ORDERED** that the Clerk of the Court shall detach and file the Second Amended Complaint, which is attached as an exhibit to the motion for leave.

**IT IS FURTHER ORDERED** that the Court shall treat defendant Kwong Wah Rubber Factory Limited's motion to dismiss for lack of personal jurisdiction [Doc. 30] as if it had been filed in response to the Second Amended Complaint.



CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

Dated this 28th day of June, 2006.